REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. The foregoing amendments are fully supported by, at least, the original claims, paragraphs [0030], [0041], and [0046]. No new matter has been added.

Rejection under 35 U.S.C. § 102

In the Office Action, beginning at page 3, Claims 1 and 5 were rejected under 35 U.S.C. § 102(e)[1], as reciting subject matters that allegedly are anticipated by Murayama. Applicant respectfully requests reconsideration of this rejection.

The salt of the present invention is a novel compound. Specifically, the inosine·L-arginine salt is represented by the molecular formula $C_{16}H_{26}N_8O_7$ and is a novel substance which has never been described in the prior art. The Office Action is mistaken in its charactization of the disclosure of Murayama. For example, Murayama describes a plant-root growth promoting agent which contains inosine as the effective ingredient. The passage cited in the Office Action, column 3, lines 55-67, merely describes compositions which can contain inosine, and that these may be formed as a liquid, i.e. "dispersed in a suitable solvent such as water" (line 58), or "can be formed into a powder or granular preparation" (lines 60-61). There is no mention of L-arginine, or any other solid excipients combined with the inosine. Then, Murayama explains a preferable embodiment is that, when in the preferred form of a alkaline aqueous solution, a basic amino acid may be added to this **solution**. There is no disclosure of purifying a inosine·L-arginine salt from the solution. In fact, it is likely that one of skill in the art would not obtain the inosine·L-arginine salt from the "alkaline aqueous solution" of Murayama, for the reasons explained below.

[1] It is noted that because Murayama was published as a patent on November 7, 2000, and since applicant's earliest effective filing date in the United States is March 25, 2004, Murayama is available under §102(b).

Claim 1 now recites that the inosine·L-arginine salt is amorphous and, most importantly, a solid. Such a solid salt, nor a non-aqueous composition containing it, is clearly not taught by Murayama.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 1 and 5 are not anticipated by Murayama, are therefore not unpatentable under 35 U.S.C. § 102, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 102.

Rejection under 35 U.S.C. § 103(a)

In the Office Action, beginning at page 4, Claims 2-4, 7, and 14 were rejected under 35 U.S.C. § 103(a), as reciting subject matters that allegedly are obvious, and therefore allegedly unpatentable, over the disclosure of Murayama. Applicant respectfully requests reconsideration of this rejection.

As explained above, Murayama clearly does not teach the inosine·L-arginine salt as recited in claims 1 and 5. Furthermore, Murayama does not suggest nor render obvious the inosine·L-arginine salt, composition thereof, or the method of making as recited in claims 2, 3, 7, and 14. More specifically, one of ordinary skill in the art would not have been motivated to prepare the inosine·L-arginine salt as a solid from the disclosure of lines 60-61 of column 3 because this description only relates to a solid composition of inosine. Applicants acknowledge that inosine was known in the art as a plant growth promoter. But it is the novel inosine·L-arginine salt which is not described or even suggested in Murayama. Specifically, addition of a base such as arginine is mentioned in line 67 of column 3, but only in the context of adding such a base to a alkaline aqueous solution of inosine. There is never a suggestion or mention of a solid inosine·L-arginine salt as being the result of any concentration after mixing these components in an aqueous solution.

In fact, the inventors have found, as explained in paragraph [0032], that if one

were to dissolve equimolar amounts of arginine and neutralized inosine in water, and then perform a simple concentration, the solid separated out is pure inosine. It is the inventors who have discovered that the addition of a highly concentrated solution of equimolar amounts of inosine and arginine to anhydrous ethanol results in the inventive inosine·L-arginine salt. This salt, nor this method, are anticipated or suggested by the disclosure of Murayama. In fact, Murayama never discusses or mentions the addition of a highly concentrated solution of equimolar amounts of inosine and arginine to anhydrous ethanol, and the Office Action fails to assert why such an addition is obvious over this disclosure.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 2-3, 7, and 14, each taken as a whole, would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention, are therefore not unpatentable under 35 U.S.C. § 103(a), and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 103(a).

Obviousness-type Double Patenting Rejection

In the Office Action, beginning at page 5, Claims 1-5, 7, and 14 were rejected under the judicially-created doctrine of obviousness-type double patenting as reciting subject matters that are allegedly not separately patentable over the subject matters recited in Claim 13 of Murayama. Applicant respectfully requests reconsideration of this rejection.

This rejection should be withdrawn for the reasons presented above, and said reasons will not be repeated.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 1-5, 7, and 14 are separately patentable over the subject matters of Claim 13 in Murayama, and therefore respectfully requests withdrawal of the rejection thereof.

Conclusion

For at least the foregoing reasons, Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Olson believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

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